IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5857 OF 2005

Vilas Baburao Nagpure.....Petitioner

Versus

State of Maharashtra & Ors.....Respondents

Mr. R.K. Mendadkar, for the Petitioner.
Mr.C.R.Sonawane, AGP for Respondents.
Mr. Raosaheb Dagaduji Kandekar, Research Officer present.

CORAM: F.I. REBELLO &
DR.D.Y. CHANDRACHUD, JJ.
DATE : 10TH OCTOBER, 2005

P.C.:

. Rule. Heard forthwith. On behalf of the petitioners their learned Counsel points out that the report of the enquiry officer was endorsed by the Research Officer, who thereafter participated in the proceedings of the committee as a member. It is, therefore, pointed out that this would result in violation of the principles of natural justice and fair play as the Research Officer ought not to have presided at the meeting in respect of a report which he has endorsed.

2. Learned Counsel on behalf of the respondents produced record. The record does indicate that the report of the Police Officer was endorsed by the Research Officer. Once that was the case the Research Officer ought not to have participated thereafter on the committee to decide the caste

validity of the petitioner. On behalf of the respondents learned Counsel points out that the committee will be reconstituted by the present Research Officer as member of the Committee. Considering the above, the following order:-

. The impugned order dated 6th July, 2005 is quashed and set aside. The matter is remitted back to the respondent No.2 for reconsideration according to law. The committee be reconstituted with the present Research Officer as a member of the Committee by excluding the Research Officer, who had endorsed the report. The Committee to decide the caste claim of the petitioner within a period of two months from today. The petitioner to appear before the committee on 18th October, 2005 at 11.00 a.m. for further directions. Rule made absolute accordingly. No order as to costs. Needless to say that all contentions on merits are kept open for consideration by the Committee.

(F.I.REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)